

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PARLANTE,

Plaintiff,

v.

AMERICAN RIVER COLLEGE,

Defendant.

Case No. 2:20-cv-02268-KJM-JDP (PS)

SCREENING ORDER

ORDER DIRECTING SERVICE OF FIRST
AMENDED COMPLAINT AGAINST
DEFENDANT AMERICAN RIVER
COLLEGE

ECF No. 6

This matter is before the court for screening. *See* 28 U.S.C. § 1915(e)(2). Plaintiff, John Parlante, is proceeding without counsel and without prepayment of fees in this state torts action brought under 28 U.S.C. § 1332. Plaintiff alleges that he was attacked by a John Doe defendant who was another student at American River College at the time, and that American River College failed to provide a safe environment. Plaintiff states cognizable claims against American River College for negligence and against the Doe defendant for battery.¹ *See Regents of Univ. of Cal. v. Superior Court*, 4 Cal. 5th 607, 634 (2018) (recognizing that “universities owe a duty to protect students from foreseeable violence during curricular activities”). Thus, I authorize service of the first amended complaint against American River College.

¹ The Doe defendant cannot be served until his identity is ascertained. Plaintiff may seek discovery as necessary to obtain his identity. If the Doe defendant is identified, plaintiff should file a motion to substitute the named individual defendant or to amend the complaint.

Accordingly, it is hereby ordered that:

1. This action may proceed against defendants American River College and John Doe, whose identity must be ascertained and provided to the court.

2. Service is appropriate for defendant American River College in Sacramento, California.

3. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the court with the following documents:

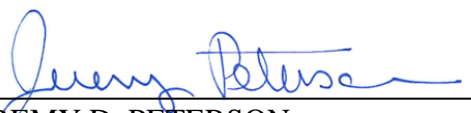
- a. a completed summons for each defendant;
- b. a completed USM-285 form for each defendant; and
- c. two copies of the signed June 7, 2021 first amended complaint.

4. Plaintiff need not attempt service on defendant and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the U.S. Marshals Service to serve the above defendant pursuant to Federal Rule of Civil Procedure 4, without payment of costs by plaintiff.

5. The failure to comply with this order may result in the dismissal of this action.

IT IS SO ORDERED.

Dated: September 13, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

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NOTICE OF SUBMISSION OF
DOCUMENTS

In accordance with the court's Screening Order, plaintiff hereby submits:

1

completed summons form

1

completed form USM-285

2

signed copies of the June 7, 2021 first amended complaint